



## RESOLUTION

TO AUTHORIZE THE DEPARTMENT OF THE CORPORATION COUNSEL TO INITIATE LEGAL ACTION AGAINST FOSSIL FUEL COMPANIES TO RECOVER CLIMATE CRISIS-RELATED COSTS.

WHEREAS, pursuant to RCH Section 6-107(h), the City and County of Honolulu ("City") Climate Change Commission ("Commission") is charged with "gathering the latest science and information on climate change effects in the city and providing advice as is deemed appropriate to the executive for climate change and sustainability, the mayor, council and executive departments of the city"; and

WHEREAS, the Commission informed the Mayor and the Council of the City and County of Honolulu ("Council") by letter dated July 16, 2018 ("Letter"), that "[c]limate change is increasingly acknowledged as the defining challenge to humanity in the 21st century, and the Commission is committed to addressing the fiscal, structural, and physical threats posed to the City"; and

WHEREAS, the Letter conveyed the findings from the 2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report "that with 3.2 feet of sea level rise [cited in the Report] and no actions in response: 9,400 acres of land (over half of which is in the Urban Land Use District) will experience chronic flooding, erosion, and/or high wave impacts; \$12.9 billion in land assets are threatened (not including public infrastructure); 13,300 residents will be displaced; 3,880 structures will be flooded; and 17.7 miles of major roadways will be flooded"; and

WHEREAS, the City Office of Climate Change, Sustainability and Resiliency issued an Annual Sustainability Report in 2019 ("2019 Report"), which stated that "in recent decades, coastal communities like O'ahu have accounted for the majority of U.S. annual disaster losses[;] and that "[i]n Hawai'i, climate change has already caused more frequent and powerful hurricanes and tropical storms, intense rainfall, and flood events – a trend which is predicted to accelerate in the future"; and

WHEREAS, the 2019 Report further stated that "[c]limate change presents a threat multiplier for the natural hazards our island faces," and that "[w]e are now witnessing the impacts of chronic coastal erosion, shoreline armoring, and sea level rise to both our beaches and our coastal infrastructure"; and



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WHEREAS, coastal communities throughout the United States and globally face growing costs to protect their residents, businesses, and infrastructure from rapid sea level rise and other climate change-related damages; and

WHEREAS, certain fossil-fuel companies had knowledge about the damages that their product would cause as early as 1968, and actively engaged in a campaign from the 1970's to current day to cover up scientific information and misrepresent the dangers of their product; and

WHEREAS, the City's taxpayers and businesses should not have to bear the entire cost for the damages and climate impacts knowingly caused by fossil fuel companies; and

WHEREAS, pursuant to Section 2-3.2(b) of the Revised Ordinances of Honolulu 1990, as amended, the Corporation Counsel requests the consent and approval of the Council to initiate legal action against fossil fuel companies to recover compensation for the injuries caused by climate change, sea level rise, and the social, economic, infrastructural, environmental, and other consequences therefrom, that impact the City and County of Honolulu; and

WHEREAS, the fossil fuel conglomerates to be named as defendants in the Legal Action include Chevron, Shell, Exxon Mobil, BP, the BHP Group, ConocoPhillips, Marathon (formerly Tesoro), and Aloha Petroleum, and more specifically include the following corporate entities: Chevron Corp., Chevron USA Inc., Royal Dutch Shell PLC, Shell Oil Company, Shell Oil Products Company LLC, Exxon Mobil Corp., ExxonMobil Oil Corp., BP PLC, BP America Inc., BHP Group Limited, BHP Group PLC, BHP Hawaii Inc., ConocoPhillips, ConocoPhillips Company, Phillips 66, Phillips 66 Company, Polar Tankers Inc., Marathon Oil Co., Marathon Oil Corp., Marathon Petroleum Corp., Sunoco LP, Aloha Petroleum Limited, and Aloha Petroleum LLC; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Council consents, and Corporation Counsel is hereby authorized, to initiate legal action against fossil fuel companies to recover damages for their role in causing climate change and sea level rise, and associated impacts on the City and County of Honolulu; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, Managing Director, and the Department of the Corporation Counsel.

INTRODUCED BY:

Ron Menor

Joey Manahan

DATE OF INTRODUCTION:

November 5, 2019  
Honolulu, Hawaii

Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

RESOLUTION 19-283, CD1

Introduced: 11/05/19 By: RON MENOR  
JOEY MANAHAN

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION TO AUTHORIZE THE DEPARTMENT OF THE CORPORATION COUNSEL TO INITIATE LEGAL  
ACTION AGAINST FOSSIL FUEL COMPANIES TO RECOVER CLIMATE CRISIS-RELATED COSTS.

Voting Legend: \* = Aye w/Reservations

11/12/19	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-349 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
11/12/19	COUNCIL	CR-349 AND RESOLUTION 19-283, CD1 AS AMENDED WERE ADOPTED. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, WATERS. 2 ABSENT: PINE, TSUNEYOSHI.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
GLEN I. TAKAHASHI, CITY CLERK

  
IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER